19 50.

File No. C. Agency/50

Legal Deptt

C. **BRANCH**

Subject:— Central Agency for Government Cases in the Supreme Court.

P-15

E

File No. Central Agency/50

Gen. 194

615 C

No. F. 17/50-G.A.
GOVERNMENT OF INDIA
MINISTRY OF LAW

From- H.V.R.Sundaram, Esqr., I.C.S.,
Secretary to the Government of India.

To - The Chief Secretary to the Government of Bombay, BOMBAY.

New Delhi-3, the 19th January, 1950.

Subject:- Central Agency for Government cases in the Supreme Court.

Sir,

I am directed to address you on a proposal to set up as soon as practicable a central agency to attend to all civil and criminal matters in the Supreme Court in which the Government of India or any of the State Governments may be concerned.

2. The proposed central agency will be set up as a separate and self-contained section attached to the Ministry of Law and will be under the general control and superintendence of the Solicitor to the Government of India. It will be manned by solicitors who have experience of this type of work in the Federal Court, and will perform all the functions required of an Agent in the Supreme Court on behalf of the State Governments as well as the Government of India. Such a centralization of work will obviously be conducive to economy as well as efficiency.

3. It is proposed that the expenses of

the central agency should be shared between the Government of India and the Governments of the States in proportion to the number and nature of the cases it has to handle on behalf of each Government. As experience is gained of the working of this system, detailed rules could be evolved for this sharing. Meanwhile the Government of India have little doubt that the State Governments will readily agree to the principle of sharing stated above.

4. It is not easy to give a precise estimate of the number of officers and staff which will eventually be found necessary. To begin with, it is proposed that the central agency should be placed in charge of a Government Agent, helped by one Deputy and one Assistant Government Agent. A tentative proposition statement which will give an approximate idea of the cost of the Government Agent's section is attached.

5. Under this scheme, the fees actually paid to the counsel engaged in such case and the out-of-pocket expenses of the Government Agent will, of course, be payable separately by the Government concerned. The Agent will, as usual, choose counsel in consultation with the Government concerned. Costs allowed by the Supreme Court to a Government as a party will when recovered, be credited to the account of that Government. It may be mentioned for your

Contd.

information that on an average the taxed costs work out to about Rs.250/- for an application and Rs. 1200/- for an appeal.

6. I am to request you to let me know as early as possible whether your Government are willing to participate in the proposed scheme, and if so, whether they have any comments or suggestions to offer. If the response from the Provincial and State Governments is favourable, the Government of India will be prepared to set up the Agency on the 1st March, 1950, at the latest.

Yours faithfully,

(K.V.K.SUNDARAM)

SECRETARY.

Encl: Proposition statement.

MU 23/6.

PROPOSITION STATEMENT.

NATURE OF CHARGES							PROPOSITION					ALLOWANCES.		
		PROPOSED SCALE.					PERMANENT.		TEMPORARY			Dearness Allowance per month	Compensatory allowance p. m.	House rent allowance. p.m.
Number.	Designation of posts	Number	Designation.	PAY Minimum	Increment.	maximum.	Average cost per post.	Increase per month Amount.	Decrease per month Amount.	Increase per month amount period	Decrease per month amount period	Amount	Amount	Amount
&														
				Rs.			Rs.	Rs.				Rs.		Rs.
1	Government Agent.	-	-	1300-60-1600-100-1800			1,679	1679	- -	- -	-	150	-	-
1	Deputy Govt. Agent	-	-	1000-50-1400			1,308	1308	- -	- -	-	131	-	-
1	Asstt. Govt.Agent	-	-	800-~~1000~~40-1000			969	969	- -	- -	-	100	-	-
1	Superintendent	-	-	530-30-710			678	678	- -	- -	-	85	-	-
2	Assistants	-	-	160-10-300-15-450			298	596	- -	- -	-	120	20	44
2	Stenographers	-	-	160-10-330			261	522	- -	- -	-	120	20	40
2	Clerks	-	-	55-3-85-4-125-5-130			95	190	- -	- -	-	190	10	20
1	Daftry	-	-	35-1-50			45	45	- -	- -	-	35	3	7
4	Peons	-	-	30-½-35			34	136	- -	- -	-	140	12	28
	Total pay and allowances per month.							5,367	6123	- -	- -	-	971	65	139

Total pay and allowences per ~~xxxxxx~~ year .... = 7,298 OR 7,300 = 87,600

Incidental expenses, e.g. rent of accommodation telephones, furniture, postage and stationery etc. per year ... ... = 12,400

1,00,000 *

* excluding initial cost of furniture and office equipment, Law Library etc. Rs.12,000/-

MM/23.6

No. 5392
Legal Department,
Bombay Castle, (Bombay No.1), 20th April 1950.

From :

Shri P.M.Lad, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Government of India,
Ministry of Law,
NEW DELHI.

Subject: Central Agency for Govt. cases in the Supreme Court.

Sir,

With reference to your letter No. F.17/50-G.A., dated the 19th January 1950, on the above subject, I am directed to inform you that the Government of Bombay are willing to participate in the proposed scheme outlined in paras 2, 3, 4 and 5 thereof. As regards engagement of counsel on its behalf this Government would make the following additional proposals :-

(1) All Civil and Criminal matters in the Supreme Court to which the State of Bombay may be a party shall be conducted on behalf of this Government by the Attorney General of India instructed by a Junior Counsel.

(2) This Government would prefer a permanent appointment of a Junior Counsel to be made instead of ad hoc selection in each case.

Contd.

(3) Fees : It is proposed to pay the Attorney general fees not exceeding

(a) 100 Gns. for the first day and 60 Gns. for each additional day,

(b) 75 Gns. per day,

which ever is agreed upon by the Government of India and the Attorney General.

The fees of the Junior Counsel would in that case according to the scale laid down in the Supreme Court rules, be twothirds of the fees payable to the Attorney General.

(4) In case of conflict of interests between the Government of India and the Government of the State of Bombay, the matter will be conducted by the Advocate General of Bombay or any other Counsel. The fees payable to the Advocate General in such cases will be settled by this Government. It is hoped that the Government of India will agree to these additional proposals regarding appointment of Counsel on behalf of this Government.

Yours faithfully,

P.M.Lad.

O.O.

Secretary to Government.

23/8-

Contd.

No. 5501

Legal Department,

Bombay Castle (Bombay No.1),

24th April '50.

Copy forwarded with compliments to the Private Secretary to His Excellency the Governor of Bombay for information as per instruction 40(a)(1) of the Rules of Business.

By order of the Governor of Bombay

D.D.Pandit

22/4

o.c.

For Secretary to Government.

23/6.

No.F.17/50-G.A.

GOVERNMENT OF INDIA

MINISTRY OF LAW.

From - Shri A.R.Warriar,

Assistant Secretary to the Govt. of India.

To. -

The Secretary to the Govt. of Bombay,

Legal Department, Bombay No.1.

New Delhi-3, the 16th May 1950

Subject:- Central Agency for Government cases in the Supreme Court.

Sir,

With reference to your letter No. 5302, dated the 20th April 1950, I am directed to say that both the proposals at (3)(a) and (b) of your letter were put before the Attorney-General of India, but he has rejected both: he would charge fees at the rate of 100 Gns. per day and would not treat the Government of Bombay differently from his other clients.

Yours faithfully,

(A.R.WARRIAR).

ASSISTANT SECRETARY.

MM

25/6.

No. 3220
Legal Department,

Bombay Castle (Bombay No.1), 16th June 1950.

From

Shri P.M.Lad, I.C.S.,

Secretary to the Government of Bombay,

Legal Department.

To

The Secretary to the Government of India,

Ministry of Law,

New Delhi.

Subject:- Central Agency for Government cases in the Supreme Court.

Sir,

With reference to your letter No.F.17/50-G.A., dated the 19th May 1950, on the above subject, I am directed to inform you that the Government of Bombay agree to the rate of 100 G.Rs. per day as proposed by the Attorney General of India.

Yours faithfully,

P.M.Lad.

o.c.

Secretary to Government.

MM

25/6.

For L.D.

No.F.17/50-G.A.
GOVERNMENT OF INDIA
MINISTRY OF LAW

.....

From -K.V.K.Sundaram Esqr., I.C.S.,
Secretary to the Government of India.

To - The Accountant-General,
Central Revenues, New Delhi.

New Delhi-3, the 11th July 1950.

Subject:- Creation of a Central Agency under the Ministry of Law for the conduct of cases in the Supreme Court on behalf of the Central and State Governments.

Sir,

I am directed to convey the sanction of the President to the creation on a temporary basis, upto the end of February 1951, for the present, of a Central Agency Section within the Solicitor's Branch of the Ministry of Law, for the conduct of cases, civil and criminal, in the Supreme Court on behalf of the Central and State Governments, with the following posts on the scales of pay noted against them:-

Designation.	No. of posts	Scale of pay
		Rs.
I-Gazetted Posts		
Government Agent.	One	1,300-60-1,600-100-1,800 ~~-800~~.
Deputy Government Agent.	One	1,000-50-1,400.
Assistant Government Agent.	One	800-40-1,000.
Superintendent	One	530-30-710.
II-Non-Gazetted Posts		
Assistants	Two	160-10-300-15-450.
Stenographers	Two	160-10-330.
Clerks	Two	55-3-85-4-125-5-130.
Draftsy	One	35-1-50.
peons	Four	30-1-35.

2. The expenses of the Central Agency will

be shared between the Government of India and the Governments of the participating States in proportion to the number and nature of the cases handled on behalf of each Government. The fees actually paid to the counsel engaged in each case and other incidental expenditure will be payable separately by the Government concerned. Costs allowed in the Supreme Court to a Government as a party will, when recovered, be credited to the Account of the Government.

Yours faithfully,

(K.V.K.SUNDARAM)

Secretary.

-2-

No.F.17/50-G.A.

Copy forwarded to the -

(1) Chief Secretaries to the Governments of all Part A and Part B States excepting Jammu and Kashmir.

(2) All Accountants-General and Comptrollers in Part A and Part B States (excepting Jammu and Kashmir)

(A.R.VARRIAR)
Assistant Secretary to
the Government of India.

MI.
25/6.

No.F.323/50-G.A. IMMEDIATE
GOVERNMENT OF INDIA,
MINISTRY OF LAW.

From:-
Shri A.R.Warriar,
Under Secretary to the Government of India.

To:
The Accountant General,
Central Revenues,
New Delhi.

New Delhi-2, dated the 21st March, 1951.

SUB: CONTINUED RETENTION OF THE EXISTING TEMPORARY POSTS IN THE CENTRAL AGENCY SECTION OF THE MINISTRY OF LAW AND CREATION OF TWO ADDITIONAL TEMPORARY POSTS OF CLERKS IN THAT SECTION.

Sir,

In continuation of this Ministry's letter No.F. 17/50-G.A., dated the 11th July 1950, I am directed to convey the sanction of the President to the continued retention of the following temporary posts mentioned therein, in the Central Agency Section of this Ministry, for a further period upto the 20th February 1952 on the existing terms subject to the following conditions :-

Designation of Posts.	No. of posts.
Gazetted posts.	
Government Agent	1.
Deputy Government Agent	1.
Assistant Government Agent.	1.
Superintendent	1.
Non-Gazetted posts.	
Assistants	2.
Stenographers	2.
Clerks (Routine Grade)	1.
Daftry	1.
Peons	4.

(i) the post of Deputy Government Agent should be filled only when the work requires it and with the concurrence of the Ministry of Finance.

(ii) the sanction to these posts is subject to any changes that may become necessary consequent on the Secretariat reorganisation; and

Contd.

(iii) one post of stenographer should be down-graded to that of a stenotypist with effect from the 1st April 1951 for so long as the post of Deputy Government Agent is kept unfilled.

2. I am to also convey the sanction of the President to the creation of two additional temporary posts of Clerks (Routine Grade) in the Central Agency Section upto the 29th February 1952.

Yours faithfully,

(A.R.WARRIAR)
UNDER SECRETARY TO THE
GOVERNMENT OF INDIA.

No.F.323/50-G.A.

Copy forwarded to the Central Agency Section, Ministry of Law, for information and necessary action.

(A.R.WARRIAR)
UNDER SECRETARY TO
THE GOVERNMENT OF INDIA.

No.323/50-G.A.

Copy forwarded to-

(1) Chief Secretaries to the Government of all Part A and Part B States excepting Jammu and Kashmir.

(3) All Accountants General and Comptrollers in Part A and Part B States (excepting Jammu and Kashmir).

A.R.WARRIAR.

MM

25/6.

IMMEDIATE.

No.F.11-V/51-G.A.
GOVERNMENT OF INDIA.
MINISTRY OF LAW.

From:- Shri Mangharam Bhavandas,
Under Secretary to the Govt.
of India.

To:- The Accountant General,
Central Revenues,
New Delhi.

New Delhi, the 22nd January, 1952.

Subject:- Creation of additional non-gazetted posts for the Central Agency Section of the Ministry of Law.

Sir,

I am directed to convey the sanction of the President to the creation, in the Central Agency Section of the Ministry of Law, on a temporary basis, of the following additional posts on the scales of pay noted against them, with effect from the date (s) the posts are filled, and to their continuance upto the end of February 1953:-

Designation	No. of posts.	Scale of pay.
Assistants	2.	Rs.160-10-300E.B.75-450
Stenotypist	1.	Rs.55-3-85E.B.4-125-5-130 plus a stenographyallowance of Rs.20/-p.m.
Daftry	1.	Rs. 35-1-50
Peons	3.	Rs. 30-½-35

2. - The expenditure involved should be met from within the sanctioned budget grant of the Central Agency Section.

Yours faithfully,

(MANGHARAM BHAVANDAS)
Under Secretary.

No.F.11-V/51-G.A.

Copy forwarded for information and necessary action to the Central Agency Section, Ministry of Law.

By order,

(MANGHARAM BHAVANDAS)
Under Secretary.

Contd.

No.F.11-V/51-C.A.

Copy forwarded to :-

(1) Chief Secretaries to the Govt. of all Part A and Part B States (excepting Jammu & Kashmir).

(2) All Accountants General and Comptrollers in Part A and Part B States (excepting Jammu & Kashmir).

(MANCHARAM MAVANDAS)

Under Secretary.

MM

25/6.